

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,  
Plaintiffs,**

**v.**

**BRAD RAFFENSPERGER, ET AL.,  
Defendants.**

**Civil Action No. 1:17-CV-2989-AT**

**PLAINTIFFS' REQUEST FOR EMERGENCY CONFERENCE  
REGARDING STATEWIDE CHANGES TO  
ELECTION DATABASES AND BMD SOFTWARE**

Plaintiffs have just learned that, contrary to State Defendants' representations to this Court two days ago, the Secretary is issuing new databases to the counties for upcoming elections. During the September 28, 2020 conference, State Defendants claimed that rather than provide the counties with new databases — as Mr. Harvey informed the counties were needed on September 25, 2020 (Dkt. 916 at Ex. A) — they had devised a different plan: changing the BMD software. (Dkt. 926 at 11:23-13:5, 18:4-19:8.) But the Secretary is now requiring counties to obtain new election databases. (Exhibit 1.) The Secretary also looks to be rolling out these new databases and some sort of software update without having provided this Court with the documentation it ordered them to file regarding Pro V&V's

work and pursuit of EAC certification. (Sept. 28, 2020 Minute Order.) Mr. Russo's September 29, 2020 letter to the Court curiously omitted any documentation (and also was improperly filed under seal in a continued attempt to keep the public in the dark about serious problems with Georgia's Dominion BMD voting system and the lack of security measures to protect the right to vote). (Dkt. 924.) Defendants still have not responded to any of Plaintiffs' inquiries about what is occurring and why, forcing Plaintiffs to turn to the Court for help.

Plaintiffs respectfully request a conference with the Court at its earliest convenience to require Defendants to explain exactly what they and Dominion are doing with respect to the software on Georgia's BMDs and election databases, why such substantial changes are suddenly needed after they told this Court elections are already "underway" and it is too late for changes to the voting system, what changes are being made to the databases at this late date, what instructions are being given to counties regarding database testing and LAT procedures, what impact these changes will have on the elections already "underway," and how these changes comport with what they represented to the Court two days ago, particularly after repeatedly characterizing the changes as "de minimis." These unspecified changes and State Defendants' inconsistent positions and explanations regarding such substantial changes to election equipment two weeks before voting

is to begin on that equipment further confirms the unreliability and corresponding unconstitutionality of Georgia's Dominion election system, per Plaintiffs' claims in this case.

Respectfully submitted this 30th day of September, 2020.

/s/ David D. Cross

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**CERTIFICATE OF COMPLIANCE**

Pursuant to LR 7.1(D), I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

*/s/ David D. Cross*  
David D. Cross

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 30, 2020, a copy of the foregoing  
**PLAINTIFFS' REQUEST FOR EMERGENCY CONFERENCE**  
**REGARDING STATEWIDE CHANGES TO ELECTION DATABASES AND**  
**BMD SOFTWARE** was electronically filed with the Clerk of Court using the  
CM/ECF system, which will automatically send notification of such filing to all  
attorneys of record.

*/s/ David D. Cross*  
David D. Cross